

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PICTURE PERFECT FILM ASSETS,

Plaintiff,

V.

THE MacLAREN ART CENTER, et al.,

Defendants.

C16-1893 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant The MacLaren Art Center's motion for reconsideration, docket no. 36, is DENIED. According to Carolyn Bell Farrell, Executive Director of the MacLaren Art Center Inc. ("MAC"), on April 24, 2017, MAC sent an invoice for the 24 Rodin bronzes at issue in this matter to Gordon Arnold of D'Airain Corporation, and an estimate was provided by Pacific Art Services Ltd. for the transportation of the bronzes from Barrie, Ontario to Toronto. Exs. B & C to Farrell Decl. (docket no. 37-1). On May 1, 2017, the purchase and sale of the Rodin bronzes was consummated when MAC received a wire transfer in the amount of C\$146,885. See Farrell Decl. at ¶ 3 and Exs. A & C (docket no. 37). These events occurred before MAC and Ms. Farrell filed their motion to dismiss, docket no. 18 (filed May 4, 2017), as to which MAC now seeks reconsideration of the Court's ruling, docket no. 35. To the extent MAC relies on these facts to support its contention that plaintiff's claim against it for declaratory relief is moot or lacking in merit, MAC has failed to explain why such information could not have been brought to the Court's attention earlier with reasonable diligence. See Local Civil Rule 7(h)(1). Moreover, MAC's conduct in disposing of the Rodin bronzes, with full knowledge of plaintiff's claims in this matter, does not undermine, but rather supports, the Court's conclusion that the assertion of personal jurisdiction over MAC is reasonable.

1 (2) Plaintiff's motion for leave to amend its operative pleading, docket no. 38,
2 is GRANTED. Plaintiff shall electronically file any amended complaint within seven (7)
3 days of the date of this Minute Order and shall effect service of such pleading within
4 thirty (30) days after it is filed. The Court makes no ruling concerning the adequacy or
5 appropriateness of plaintiff's proposed Third Amended Complaint. Plaintiff's counsel,
6 however, is reminded of his obligations under Federal Rule of Civil Procedure 11.

7 (3) The parties are DIRECTED to file, on or before January 19, 2018, a Joint
8 Status Report in the form required by the Order entered December 19, 2016, docket no. 4.
9 The parties shall conduct the requisite Rule 26(f) conference on or before January 5,
10 2018, and, to the extent they have not already done so, shall exchange initial disclosures
11 pursuant to Rule 26(a)(1) by January 19, 2018.

12 (4) The Clerk is directed to send a copy of this Minute Order to all counsel of
13 record.

14 Dated this 3rd day of November, 2017.

15 William M. McCool
16 Clerk

17 s/Karen Dews
18 Deputy Clerk